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DOCKET NO: CRD5068USNP

Applicants : Robert Falotico, et al. Confirmation No.: 1881  
Appln. No. : 10/796,397  
Filed: March 9, 2004  
Title: LOCAL VASCULAR DELIVERY OF TOPOTECAN IN COMBINATION WITH RAPAMYCIN TO PREVENT RESTENOSIS FOLLOWING VASCULAR INJURY

Art Unit : 1615 10/14/2008 GARIAS 00000011 100750 10796397  
Examiner : HAGOPIAN, CASEY SHEA 01 FC:1463 200.00 DA

**Certificate of Mailing or Transmission [37 CFR 1.8(a)]**  
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☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

August 14, 2008  
(Date of Deposit)  
Adjustment date: 10/14/2008 GARIAS 10796397  
08/19/2008 HGBREH1 00000056 100750  
Carl J. Evens 01 FC:1453 1540.00 CR  
Name of applicant, assignee, or Registered Representative  
(Signature)  
August 14, 2008  
(Date of Signature)

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

08/19/2008 HGBREH1 00000056 100750 10796397  
01 FC:1453 1540.00 DA

**PETITION TO REMOVE DOCUMENT UNDER 37 CFR 1.59(b)**

A response to an outstanding Office Action in the above-identified application was filed on April 2, 2008. Included in this answer was an Unfair Competition Agreement (Corporate); Patent Agreement; Business Conduct Agreement; and Conflict of Interest Agreement, on which title page of each document, the Social Security Number of Narayanan Pallassana is written.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS INFORMATION FROM THE ABOVE NOTED ATTACHMENTS SUBMITTED WITH THE RESPONSE TO THE OFFICE ACTION**

Note: A grantable petition requires the following items:

- A. The Office can effect such return prior to the issuance of any patent on the application in issue;
- B. It is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the part who submitted the information or to the party in interest on whose behalf the information was submitted;
- C. The information has not otherwise been made public;
- D. there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;

- E. It is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and  
F. The petition fee as set forth in 37 CFR 1.17(g) is included.

Applicants attorney states that all of the above conditions exist in this petition and beg the removal of either the document or, the expungement of the Social Security Numbers on the document uploaded in Private Pair of the USPTO uploaded and entitled "Applicant Arguments/Remarks made in an Amendment", which Social Security Numbers can be found on pages 13, 15, 16 and 17 of the 17-page document (USPTO Private Pair Website stating: page count 17, 04-02-2008)

1. Petition fee  
☐ Small entity fee \$\_\_\_\_\_(37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.  
☒ Other than small entity fee \$1,500.\_\_(37 CFR 1.17(m))
2. Reply and/or fee  
A. The reply and/or fee to the above-noted Office Action in the form of \_\_\_\_\_RCE & IDS\_\_\_\_\_ (identify type of reply):  
☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.  
  
B. The issue fee and publication fee(if applicable)of \$\_\_\_\_\_  
☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.
3. Terminal disclaimer with disclaimer fee  
☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.  
☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (See PTO/SB/63).

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))]

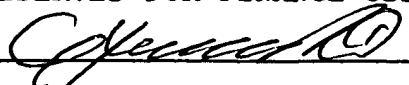
- ☒ Charge the petition fee of \$1,500\_\_ to Account 10-0750/CRD834/CJE and for any additional fee required. A duplicate of this petition is attached.
- ☐ A check in the sum of \$\_\_\_\_\_ is attached.
- ☒ Charge Account 10-0750 for any additional fee required.

By: \_\_\_\_\_

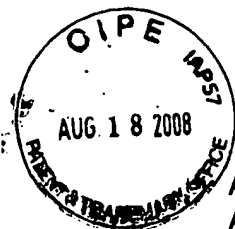
Carl J. Evens  
Reg. No.: 33,874  
Attorney for Applicant(s)

JOHNSON & JOHNSON  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933  
Tel. No.: (732) 524-2518

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND																	
1 Date of Request: <u>10/07/08</u>		2 Serial/Patent # <u>10/796,397</u>															
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT													
<input type="checkbox"/>	Filing			\$													
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<input checked="" type="checkbox"/>	Petition 1453		08/18/08	\$ 1,340.00													
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<input type="checkbox"/>	Assignment			\$													
<input type="checkbox"/>	Other			\$													
		7 TOTAL AMOUNT OF REFUND		\$ 1,340.00													
		8 TO BE REFUNDED BY:															
10 REASON:		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2">Treasury Check</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Credit Deposit A/C #:</td> </tr> <tr> <td>9</td> <td> <table border="1" style="display: inline-table; text-align: center;"> <tr> <td>1</td><td>0</td><td>--</td><td>0</td><td>7</td><td>5</td><td>0</td> </tr> </table> </td> </tr> </table>			Treasury Check		<input checked="" type="checkbox"/>	Credit Deposit A/C #:	9	<table border="1" style="display: inline-table; text-align: center;"> <tr> <td>1</td><td>0</td><td>--</td><td>0</td><td>7</td><td>5</td><td>0</td> </tr> </table>	1	0	--	0	7	5	0
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11 REFUND REQUESTED BY:																	
TYPED/PRINTED NAME: <u>Douglas I. Wood</u>		TITLE: <u>Senior Petitions Attorney</u>															
SIGNATURE: <u>/douglas wood/</u>		PHONE: <u>571-272-3231</u>															
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Name of applicant, assignee, or Registered Representative

(Signature)

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